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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,791	01/03/2007	Henry Starke	246472009900	5875
25227 7590 10/14/2009 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER				
LEBASSI, AMANUEL				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/576,791

**Applicant(s)**

STARKE ET AL.

**Examiner**

AMANUEL LEBASSI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/25/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 27 is rejected under 35 U.S.C. 102(b) as being unpatentable by Parkman US 20020152468.

Regarding claim 27, Parkman discloses a) logging-in the cellular phone at a local mobile radio cell which is formed by a mobile radio base station arranged on board the vehicle (**Fig. 1, Mobile station 20 accessing Access Points**). Parkman discloses (b) converting the mobile radio data into IP data and conversely (**paragraph [0027 and Fig. 1, where data content is formatted into Internet Protocol (IP) packets**) and (c) transmitting or receiving the IP data to or from ground station (**Fig. 1**). Parkman discloses (e) - converting the IP data into mobile radio data and conversely (**Fig. 1 and paragraph [0027] where data is formatted from mobile to IP data**); and (f) transmitting or receiving the mobile

radio data to or from the stationary mobile

radio network (**Fig. 1, Where RF is transmitted on Ground station 22**).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 14-26, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkman US 20020152468 in view of Sinvaara et al. EP 1096699

Regarding claim 14, Parkman discloses a system for connecting a cellular telephone located in a mobile vehicle to a stationary mobile telephone network (Fig. 1). Parkman discloses at a stationary position (a) a device for transmitting and receiving IP data to and from a corresponding device of the vehicle (**paragraph [0027] and Fig. 1, where data content is formatted into Internet Protocol (IP) packets before being transmitted either by a ground station 22 (hereinafter referred to as a "forward link" transmission) or from the transmit antenna 74 of each mobile system 20**), (b) a device for converting the IP data into mobile radio data and conversely (**paragraph [0027 and Fig. 1, where data content is formatted into Internet Protocol (IP) packets**), and (c) transmitting and receiving the mobile radio data to and from the stationary mobile radio network (**Fig. 1, Where RF is transmitted on Ground station 22**).

Parkman discloses on board the vehicle, (d) a device for transmitting and receiving IP data to and from a ground station(**paragraph [0027] where a formatted IP data is transmitted from aircraft to the ground station**) , (e) at least one mobile radio base station (**paragraph [0028] where the mobile base station has receive antenna 82 and transmit antenna 74**), and (f) a device for converting the mobile radio data into the IP protocol and conversely and for transmitting and receiving the mobile radio data to and from the radio base station (**paragraph [0027] where data is formatted from mobile to IP data**).

Parkman is silent on a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network. However, Sinivaara teaches a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network (**Fig. 2 where mobile data is transmitted from MS to BTS at POS 1, POS 2 and POS 5**).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the inventions of Parkman and add a device for transmitting and receiving the mobile radio data to and from the stationary mobile radio network. The motivation would be in order to switch a call to a terminal in an aircraft over a satellite link (paragraph [0001]).

Regarding claim 15, Sinvaara discloses the mobile radio base station forms a mobile radio pico cell on board the vehicle (Fig. 2, Position 3, AP inside the aircraft).

Regarding claim 16, Sinvaara discloses the connection between the device (b) and the device (c) is established via the intranet of the vehicle (Fig. 2, Position 3).

Regarding claim 17, Parkman discloses the device (b) comprises an IP call manager (**paragraph [0027]**).

Regarding claim 18, Sinvaara teaches the device (c) is configured for transmitting or receiving via one or more switching stations (**Fig. 2 where mobile data is transmitted from MS to BTS at POS 1, POS 2 and POS 5**).

Regarding claim 19, Parkman discloses the switching stations comprise satellites (Fig. 1, SAT 18).

Regarding claim 20, Sinvaara discloses the device (d) is configured for transmitting or receiving via one or more switching stations (Fig. 2, Position 2).

Regarding claim 21, Parkman discloses the switching stations comprise satellites (Fig. 1, SAT).

Regarding claim 22, Parkman discloses the connection between the device (d) and the device (e) is established via the Internet (**paragraph [0027]**).

Regarding claim 23, Sinvaara discloses the connection between the device (d) and the device (e) is established via the Internet (**paragraph [0027]**).

Regarding claim 24, Parkman discloses the device (e) comprises an IP call manager (**paragraph [0028]**).

Regarding claim 25, Sinvaara discloses the device (f) transmits or receives the mobile radio data wirelessly or wire-connected to or from the stationary mobile radio network (Fig. 2, Wireless link).

Regarding claim 26, Sinvaara discloses a plurality of devices (e) and (f) which are arranged spatially spaced apart in areas of different stationary mobile radio networks (Fig. 2, Position 3, plurality of MS).

Regarding claim 27, Parkman discloses a) logging-in the cellular phone at a local mobile radio cell which is formed by a mobile radio base station arranged on board the vehicle (**Fig. 1, Mobile station 20 accessing Access Points**). Parkman discloses (b) converting the mobile radio data into IP data and conversely (**paragraph [0027 and Fig. 1, where data content is formatted into**

**Internet Protocol (IP) packets**) and (c) transmitting or receiving the IP data to or from ground station (**Fig. 1**). Parkman discloses (e) - converting the IP data into mobile radio data and conversely (**Fig. 1** and **paragraph [0027] where data is formatted from mobile to IP data**); and (f) transmitting or receiving the mobile radio data to or from the stationary mobile radio network (**Fig. 1, Where RF is transmitted on Ground station 22**).

Regarding claim 28, Parkman discloses wherein the mobile radio base station forms a GSM pico cell onboard the vehicle (**Fig. 1 mobile stations 20**).

Regarding claim 29, Parkman discloses wherein the mobile radio data is either (i) GSM (Group Special Mobile or "Global System for Mobile communications") or (ii) UMTS (Universal Mobile Telecommunications System) data (**Fig. 1**).

Regarding claim 30, Parkman discloses wherein the local mobile radio cell is a GSM pico cell onboard the vehicle (**Fig. 1 mobile stations 20**).

Regarding claim 31, Parkman discloses wherein the mobile radio data is either (i) GSM (Group Special Mobile or "Global System for Mobile communications") or (ii) UMTS (Universal Mobile Telecommunications System) data (**Fig. 1**).



***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*  
/A. L/  
10092009

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617